GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Habeas Corpus petitions – Standard Operating Procedure / Unified Procedure for taking of appropriate action in case of missing persons – Notification – Issued.

HOME (GENERAL.B) DEPARTMENT

G.O.RT.No. 282 Dated: 13-03-2020

Read the following:-

1. Orders of Hon'ble High Court of A.P. in Habeas Corpus W.P.No.18074 of 2019 filed by Smt Barigala Saroja, W/o Kotesh.
2. From the DGP., A.P., Lr.Rc.No.1128 /F6/2019, Date: 29 -01-2020 and 14.02.2020.
3. Memo No.1064098/General-B/309/2019, Home (General-B) Dept., Dt. 09/03/2020.

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ORDER:

In the reference second read above, the Director General of Police, Andhra Pradesh has informed that with reference to the directions of the Hon'ble High Court of Andhra Pradesh in the reference first read above, a Standard Operating Procedure (SOP) / Unified Procedure for taking appropriate action in case of missing persons is prepared and communicated to all Unit Officers vide his Office Memorandum Rc.No.639/L&O-II/2019, dt:21.01.2020. Further informed that, the Advocate General, High Court of Andhra Pradesh advised to issue a Gazette Notification on the Standard Operating Procedures. Accordingly the Director General of Police has requested the Government to issue necessary orders in the matter.

2. Government after careful examination of the matter and in cancellation of the Government Memo third read above, hereby issue the following Notification prescribing the Standard Operating Procedure (SOP) / Unified Procedure for taking of appropriate action in case of missing persons and it shall be published in Andhra Pradesh Extraordinary Gazette, dated:13.03.2020.

NOTIFICATION

"Government hereby issue the Standard Operating Procedure/Unified Procedure with reference to the guidelines/orders of the following judgments of the Hon'ble Supreme Court of India and also the Advisory on minor children issued by Ministry of Home Affairs, Government of India for taking necessary action in case of missing persons in the State of Andhra Pradesh:-

A. Supreme Court of India issued Guidelines in **Horilal Vs Commissioner of Police, Delhi on 14.11.2002** on missing Children and Women.

B. In **Bachpan Bachao Andolan Vs Union of India (UoI)** WP (Civil) 51 of 2006, dated:18.7.2013, communicated by Ministry of Home Affairs (CS Division) Government of India in C.No.24013/62/2012-SC/ST-W, dt:25.6.2013. Enshrines principle of registration of FIR in all missing persons cases. **(APPM Parts! Vol-II-A, PSO 410-2 (B).**

C.The **Ministry of Home Affairs issued Advisory on minor children** on 31.01.2012.

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Guidelines issued in Sampurna Behura Vs Union of India & Others, 09.02.2018

i) All information in respect of missing persons shall be recorded in the General Diary.
ii) Register First Information Report in all Missing of person (Adult male women and Children) Complaints, may be Zero First Information Report Under Section 154 Criminal Procedure Code,1973.
iii) Cases shall be endorsed by the Officer in -Charge of Police station to Sub-Inspector for investigation.
iv) Investigation shall continue till the missing person is located.
v) Publish photograph of the missing persons in the Newspaper. Telecast the photo of missing person in electronic Media.
vi) Photographs of missing person shall be given wide publicity at the Railway Stations, Inter State Bus Stands, Airports, Border check posts and circuit TVs.
vii) In case of Minor/ Major Girl, such photograph shall not be published without the written consent of the parents/ guardians.
viii) Arrange for publicity through local cable TV Network.
ix) Make inquiry in the neighborhood, and place of work/Study.
x) Inquire whether any past incident of violence in the family is existing.
xi) In case of missing child, whenever the child is traced or comes back on his/her own the Investigation Officer shall enquire all relevant angles.

Role of Investigating Officer

i) He shall visit the place from where the person was reportedly missing.
ii) Contact the family members of the missing person and record their statements.
iii) Examine the friends, Teachers, acquaintances etc., for eliciting information about the missing persons.
iv) Send information by way E-mail to all officers in -Charge of Police Stations in the State, Superintendent of Police in the District.
v) Obtain cell phone number of the missing person.
vi) Scrutinize surveillance/Security cameras in the vicinity of the place, where last seen or from where the person is reported to have gone missing.
vii) Verify information about unidentified dead bodies pertaining to his Police Station or other Police Stations.
viii) Co-ordinate with other agencies and Non Government Organizations for restoration of recovered persons.
ix) Wherever a missing child is traced or comes back on his/her own, the investigation officer shall examine all relevant angles, such as involvement of organized gangs.
x) Supervision of investigation of cases by Additional Superintendent of Police /Deputy Superintendent of Police.
xi) Heinous offences related to Organized Crime should be transferred to the State Crime Investigation Department.
xii) All cases of Trafficking should be treated as Organized Crime.
xiii) Police officials need to be sensitized and trained on procedural Laws, investigation techniques, data collection and compilation.

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Also go through APPM Part-I Vol-II-A, PSO 409-11 in which the following Web site details are given:

Web.site:http.//khoyapaya.gov.in

a) To trace and re-uniting children with their families.
b) A web portal to exchange information on missing and found children, across the country.
c) An enabling platform for citizens to report missing children and children sighted abandoned, lost and moving with suspicious persons.

Data should be uploaded in the missing children website of Andhra Pradesh Police Intranet promptly and the investigation should be taken up immediately. Ministry of Home Affairs advisory dt:31.01.2012 (F.No.15011/60/2011) stipulates supervision of cases by officers of Deputy Superintendent of Police / Additional Superintendent of Police level. (Ref. Annexure 26 of Part-II) **(APPM Part-I Vol-II-A, PSO 410-2 (B).**

The Provisions of Standard Operating Procedure (SOP) shall be followed scrupulously and in the event of any deviation, the officer concerned shall be liable for disciplinary action under CCA Rules, for dereliction of duty.

The District Superintendents of Police and Commissioner of Police are instructed to ensure strict implementation of the above Standing Operating Procedure. Their performance in this regard and the results ensuing will be reviewed periodically. Any deviation or negligence in this regard will be viewed seriously".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Andhra Pradesh, Vijayawada to publish in the A.P. Gazette. (2 copies). (with a request to send required copies)
The Director General of Police, Andhra Pradesh.
The Commissioner of Police, Visakhapatnam.
The Commissioner of Police, Vijayawada.
The All Superintendents of Police of the State.

Copy to:-

OSD to Minister for Home & Disaster Management, Andhra Pradesh.
PS to Principal Secretary to Government, Home Department.
The Additional Director General of Police (L&O), Andhra Pradesh.
The Additional Director General of Police (CID), Andhra Pradesh.

//FORWARDED :: BY ORDER//

SECTION OFFICER